

Singapore

Legal Provisions

Compiled by:

Swiss Business Hub ASEAN / Singapore

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GENERAL REMARKS

Singapore is a member of the Association of Southeast Asian Nations (ASEAN), which also includes Malaysia, Indonesia, Thailand, Philippines, Brunei, Vietnam, Cambodia, Laos and Myanmar. Most goods from these countries which meet country-originating criteria are subject to common tariffs from 0%-5%.

Singapore has also existing Free Trade Agreements (FTAs) with the New Zealand, Japan, Australia, Switzerland, Norway, Iceland, Liechtenstein, USA, China, India, Jordan, Chile, Costa Rica, Panama and South Korea. Goods from these countries which meet country of origin criteria enter Singapore duty-free. Most Singapore exports which meet country of origin criteria are subjected to reduced or zero duties when entering these FTA partner markets.

Singapore is a member of the UNO, WTO, IMF, the World Bank, the Asian Development Bank, and numerous other organisations. Singapore grants and receives "Most Favoured Nation" tariff rates from other WTO member countries.

CUSTOMS

The Harmonized System (8-digit HS) coding structure for goods is implemented in Singapore. Singapore has been a member of the WTO since 1995 and adjusts its customs rates in line with WTO standards. All goods imported into or manufactured in Singapore are subjected to duties and/or Goods and Services Tax (GST, currently at 7%).

Dutiable goods in Singapore consist of the following 4 broad categories: i) intoxicating liquors, ii) tobacco products, iii) motor vehicles and iv) petroleum products.

All other goods are non-dutiable.

Information can be obtained from Singapore Customs (www.customs.gov.sg). Singapore has free trade zones in its ports. For exports, accompanying documents such as Bill of Lading/Airway Bill, commercial invoices, packing list etc, are required. Commercial invoices must be in English.

IMPORT AND EXPORT REGULATIONS

Most goods can be imported with an import permit from Singapore Customs. It is advisable to out-source the import/export procedures to third party logistics providers and freight forwarders. Certain categories of products (rice, rubber, arms, explosives, satellite receivers etc) require additional import authorization, as advised by Singapore Customs. Methods of payment include letters of credit, cash against documents, factoring, bank and Swift transfers.

CURRENCY REGULATIONS

Currency is issued by authorized banks, on presentation of the letter of credit, commercial invoices and other supporting payment documents.

REGISTRATION PROCEDURE FOR PRODUCTS

All products entering Singapore are automatically registered by Singapore Customs during import processing.

STANDARDS, TECHNICAL RULES, LABELLING REGULATIONS

Singapore adheres to international product standards, technical rules and labelling regulations. These include ISO, EC, HACCP, ROHS, WEES, REACH etc.

SPRING Singapore (www.spring.gov.sg) is the official body governing standards, technical rules and labelling regulations.

TAXES

Goods & Services Tax (GST) is charged at 7% of the CIF value. Excise duties for some products e.g. cigarettes, automobiles, alcoholic beverages etc, may apply. The rates are advised by Singapore Customs (www.customs.gov.sg) during import processing.

COMMERCIAL LAW

Singapore adheres to international commercial law, as set out by the United Nations Commission on International Trade Law (UNCITRAL) and WTO. The Singapore International Arbitration Centre (SIAC) offers various commercial dispute settlement mechanisms e.g. mutual consultations, mediation and tribunal settlement.

The Law Society of Singapore (www.lawsociety.org.sg under “Find a Law Firm/Lawyer”) provides a comprehensive list of European-affiliated legal firms based in Singapore who provide various legal services such as company registration, intellectual property rights, corporate and fiduciary trust management, dispute resolutions etc.

The Honorary Legal counsel of the Embassy of Switzerland is Dr Bernd J. Götze, and he is Of Counsel at Luther LLP (www.luther-lawfirm.com/).

The Swiss Business Hub may advise on other lawyers depending on the individual needs.

SETTING UP COMPANIES

In Singapore, companies are principally governed by the Companies Act (Cap 50, 1994 Rev Ed). Registration and incorporation of companies are done with the Accounting & Corporate Regulatory Authority (ACRA – www.acra.gov.sg). Processing time usually takes one working day by a Singapore-based resident. Depending on the type of entity for incorporation, the fees (inclusive of company name registration) ranges from SGD 50 to SGD 300. Swiss companies abroad are advised to use filing agents listed on the ACRA website for incorporation in Singapore.

There are various options for commercial entities in Singapore, such as representative office, sole proprietorship, partnership, private limited, branch of foreign company and listed company. There are no foreign equity restrictions when setting up a company in Singapore.

JOINT VENTURE OPPORTUNITIES

Joint ventures can be done easily with local partners, subject to registration with and approval by ACRA. In certain sectors e.g. utilities, real estate, finance, arms manufacturing, pharmaceuticals, media etc., approvals have to be obtained from the governing authority.

Joint venture is not a common form of commercial entity used by foreign investors in Singapore. Most chose a set-up as either sole-proprietorship, private limited, branch of foreign company and listed company.

PROMOTION OF INVESTMENT

There is no special legislation governing foreign investment. In principle, the same laws and regulations under the Companies Act apply equally to domestic and foreign companies. There are investment incentives, depending on the characteristics of investment:

- Nature, e.g. high-tech, innovation-driven, knowledge-based
- Quantum, e.g. fixed asset and operational expenditure commitment, local job creation, trade value carried out from Singapore
- Scope, e.g. range of business functions carried out from Singapore

The Economic Development Board of Singapore (EDB) is the recommended first contact point and they have an office located in Zurich.

ENTRY CONDITIONS, WORK PERMITS, RESIDENCE PERMITS, LABOUR LAW

To enter the country, tourists or business travellers need a valid passport (valid for at least 6 months beyond planned departure date) and a return travel ticket. If intending to work, settle or set up a business, an employment or entrepreneur pass (EntrePass) is required.

The application for an Employment Pass is the responsibility of the employer in Singapore. Requirements include a recognized university degree, a minimum base salary (for applicable amount, see www.mom.gov.sg); and a valid job contract with a Singapore-based company.

Application for an EntrePass (valid for an extendable initial period of 2 years) is with the Ministry of Manpower (www.mom.gov.sg). Requirements include a viable business plan, relevant skill/technical qualifications and proof of business capital to start up.

Once the employment or entrepreneur pass has been granted, a Foreign Identification Number (FIN) will be issued, with the right of residence for a period corresponding to the validity of the employment or entrepreneur pass. After staying in Singapore for an initial period of time, foreign residents have the option to apply for permanent residence. After another two years, permanent residents may have the option to apply for Singapore citizenship (for the latest information, see www.ica.gov.sg).

PROCEDURES FOR COLLECTING PAYMENT

There are specialized debt collection agencies in Singapore, such as Beukhen International Pte Ltd, Datapool (S) Pte Ltd and Nesan Dylan Partnership & Associates Pte Ltd. For the most recent list of debt collection agencies, please visit www.yellowpages.com.sg, keywords "debt collection agencies".

SOURCES OF INFORMATION AND LINKS

Singapore Customs – www.customs.gov.sg

Accounting & Corporate Regulatory Authority – www.acra.gov.sg

SPRING Singapore – www.spring.gov.sg

Ministry of Manpower – www.mom.gov.sg

Immigration and Checkpoints Authority – www.ica.gov.sg

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